

REMARKS

The Examiner has indicated that Applicant's previously filed reply was not fully responsive and stated that Applicant merely argued that Campbell '997 does not anticipate the current claims and that Applicant failed to address the obviousness rejection reasoning set forth by the Examiner.

Applicant believes that the new claims submitted in the aforementioned reply are patentably distinguishable over Campbell '997 and will discuss the cited reference hereinbelow. For the reasons set forth below, the Applicant submits that all pending claims are in condition for allowance and allowance of the application is respectfully requested.

Rejections under 35 USC section 103

In the Office Action dated August 5, 2003, claims 1-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell.

In the previously filed reply Applicant canceled claims 1-29, without prejudice, and submitted new claims 30-58. Independent claim 30 recites a flexible guidewire having a moveable section, at least one receiver attached to the moveable section, and a sensor configured to receive information from the receiver to determine the presence of inflamed plaque based upon the information received.

The Examiner's rejection was addressed to claims 1-29, which are no longer in the application. However, Applicant respectfully traverses any such obviousness rejection of claims 30-58. To establish a prima facie case of obviousness, the Examiner must meet three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (see MPEP §2143.03).

Campbell '997 does not teach or suggest a sensing guidewire having a receiver. As discussed more fully below, there would be no suggestion or motivation to modify the guidewire of Campbell '997 to yield the present invention because Campbell '997 teaches away from the present invention.

Independent claim 30 of the present invention recites a guidewire having a receiver. The receiver of the present invention is placed at the vascular site and receives information from the site. A sensor is configured to receive the information from the receiver and to determine the presence of inflamed plaque based upon the information received. In Campbell '997 the thermal sensors that are used to receive thermal information from the vascular site are placed on a catheter. The guidewire of Campbell '997 is used in addition to the thermal sensing catheter and is used to image the vessel or to steer the thermal sensing catheter to a site with the aid of angiography. See Campbell '997, at column 2, lines 47-62, and column 5, lines 36-45. The guidewire of the present invention is able to receive information, such as thermal information, without the use of a catheter.

Campbell '997 does not teach or suggest the use of a guidewire to obtain information from a vascular site. Campbell '997 actually teaches away from the present invention by utilizing a thermal sensing catheter in addition to a guidewire. Applicant asserts that Campbell '997 does not teach or suggest a guidewire that is capable of sensing or receiving information from a vessel wall to determine the presence of inflamed plaque based upon the information received. Thus, Applicant asserts that independent claim 30 and claims 31-41, which are dependent therefrom, are patentable over the cited references.

Independent claim 42 recites a flexible guidewire having at least one receiver configured to receive thermal information from the patient and a sensor configured to receive information from the receiver and based upon the information to determine the presence of inflamed plaque. Applicant asserts that Campbell '997 teaches away from the invention of claim 42 in providing a thermal sensing catheter that is used in addition to a guidewire. Thus, Campbell '997 neither teaches nor suggests a guidewire capable of receiving thermal information to determine inflamed plaque. Thus, Applicant asserts

that independent claim 42 and claims 43-50, which are dependent therefrom, are patentable over Campbell '997.

Independent claim 51 recites a method for determining a temperature at a vessel wall by providing a guidewire having a receiver configured to receive information regarding the vessel wall, transferring the information to a sensor and determining the temperature of the vessel at the receiver. Applicant asserts that Campbell '997 teaches away from the invention of claim 51 in providing a thermal sensing catheter that is used in addition to a guidewire. Thus, Campbell '997 neither teaches nor suggests using a guidewire to receive information from a vessel wall and thereby determine the temperature of the vessel. Hence, Applicant asserts that independent claim 51 and claims 52-54, which are dependent therefrom, are patentable over Campbell '997.

Independent claim 55 recites a method for locating inflamed plaque on a vessel wall by providing a guidewire having a receiver configured to receive information about the patient and determining the presence of inflamed plaque based upon the information received from the receiver. Applicant asserts that Campbell '997 teaches away from the invention of claim 55 in providing a thermal sensing catheter that is used in addition to a guidewire. Thus, Campbell '997 neither teaches nor suggests using a guidewire to receive information from a vessel wall and thereby determine the presence of inflamed plaque. Hence, Applicant asserts that independent claim 55 and claims 56-58, which are dependent therefrom, are patentable over the cited references.

In view of the foregoing, Applicant believes the pending claims to be in condition for allowance. Reconsideration and early allowance are respectfully and sincerely solicited.

If it is felt for any reason that direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

Respectfully submitted,



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